

## SIRMP EQUALITY IMPACT ASSESSMENT – STAGE 1

|   |  |
|---|--|
| Title of Policy                           | Shetland Islands' Regional Marine Plan (SIRMP) |
| Minister                                  |  |
| Lead official                             | Rachel Shucksmith                              |
| Directorate                               |  |
| New policy/revision to an existing policy | New policy                                     |

### Screening

#### Policy Aims

The Shetland Islands Regional Marine Plan (SIRMP) will reflect the requirements for regional marine planning under the Marine (Scotland) Act 2010 and associated Delegation of Functions (Regional Marine Plan for the Scottish Marine Region for the Shetland Isles) Direction 2016. The policy framework will be in line with Scotland's National Marine Plan 2015 (NMP) and will be used to assess marine development applications for Marine Licenses (by MD-LOT), Works Licences and marine planning applications (by SIC), and leases by the Crown Estate. It will act as guide in the planning of marine developments, activities and management decisions.

The SIRMP has been developed by the Shetland Islands Marine Planning Partnership (Shetland Islands Council and Shetland UHI (Formerly NAFC Marine Centre UHI)) under the guidance of the Local Advisory Group. The SIRMP represents an innovative approach to marine planning. As the SIRMP has been developed during a time of potential evolution of marine policy and legislation in relation to the UK leaving the European Union ('Brexit') it should be considered as part of an on-going process, subject to monitoring and review.

The stated aim of the SIRMP is to *"Ensure that use of the marine and coastal environment of Shetland is sustainable."*

Where *sustainable use* is understood as enabling dynamic economic activity which supports a prosperous community whilst maintaining and enhancing marine wildlife, habitats and ecosystems. Sustainable use should not lead to loss of biodiversity or ecological balance, or reduce the availability of natural resources for future generations

The key benefits of the SIRMP will be:

- Providing a plan-led approach to the management of Shetlands coastal and marine waters;
- Facilitating more integrated and informed decision making process;
- Minimise conflict of interest between marine users, activities and developers
- Enabling long-term protection and use of Shetlands coastal and marine waters.

## Who will it affect?

The SIRMP may affect a range of sectors with an interest in the marine environment. These may include:

1. Marine activities/businesses
2. Developers of licensed activities (including oil & gas, renewable energy, ports & harbours, and aquaculture and all other licensable activities.
3. Activities within the SIRMP area which do not require licenses or that have licenses that do not have a spatial component to them (including fishing, shipping, tourism, leisure and recreational activities)
4. Marine nature conservation, coastal defence and marine heritage activities/conservation
5. Coastal communities
6. Local Planning Authority
7. Regional Marine Planning Partnership
8. The Crown Estate

Given the geographical nature of Shetland and that no point is further than 3 miles from the sea, marine activities affect all communities throughout Shetland. Shetlands' communities will benefit economically and socially from the success of the coastal and marine economies in their areas and will also benefit from improved coastal recreational opportunities and environmental improvements. Conversely, they may also suffer from adverse effects of living as communities where many aspects of life are conducted in close proximity to the sea and marine activity; these might include noise pollution, visual intrusion, coastal erosion and flood risk.

These effects may impact equalities target groups embedded within these communities both positively and potentially negatively. However, at the scale of the Shetland Islands' Regional Marine Plan there is no clear differentiation between the potential effects upon target groups and non-target groups.

## Stage 1: Framing

The SIRMP has been developed under the guidance of the Local Advisory Group (see Appendix 1 for membership) to the Shetland Islands' Marine Planning Partnership. As part of developing the draft SIRMP the following organisations have been asked if the implementation of the Shetland Islands' Regional Marine Plan would discriminate disproportionately against those people with the protected characteristics of age, disability, gender reassignment, pregnancy and maternity, sexual orientation, gender, race, religion and belief.

*Disability Shetland* – Disability Shetland supports the efforts of disabled people to realise their full potential in all areas of life.

*Community Planning Team, Shetland Islands Council.* – Having in late 2017/early 2018 undertaken a Shetland wide consultation in preparation of the Local Outcomes Improvement Plan for Shetland renamed "*Shetland's Partnership Plan*". The Community Planning Team have a detailed knowledge of the communities and community needs around Shetland.

*Youth Services, Shetland Islands Council.* -Youth Services are the first point of contact for services provided for young people in Shetland as well as furthering youth issues.

The above services have indicated that they do not anticipate the Shetland Islands' Regional Marine Plan having a discriminatory or differential impact on people with the protected characteristics as defined by the 2010 Equality Act.

All of the above services have offered assistance in the development of the formal consultation in order to make the Shetland Islands' Regional Marine Plan as accessible as possible to all members of the Shetland community.

### **Extent/Level of EQIA required**

It was determined as part of the framing exercise that a light touch assessment is required for this EQIA as current evidence indicates that the Shetland Islands' Regional Marine has insignificant potential impacts and minimal relevance to equality.

The policies contained within the Shetland Island's Regional Marine Plan are intended to safeguard where possible, improve Shetland's marine and coastal environment with the purpose of meeting the long terms needs of nature and local people. The policies within the plan are general policy statements and will have low impact on those with protected characteristics and hence equality.

However, further evidence gathering and engagement will take place as part of the formal consultation on the Shetland Islands' Regional Marine Plan.

## Stage 2: Data and evidence gathering, involvement and consultation

This stage includes results of our evidence gathering (including framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

| Characteristic    | Evidence gathered   | Source  | Data gaps identified   |
|-------------------|---|---|--|
| <b>Age</b>        | <p>Based on the 2011 census 19.3% of the Shetland population is under 16 and 16.3% over 65 year old.</p> <p>Discussions with Disability Shetland, Community Planning-SIC, Youth Services- SIC have indicated that the Shetland Islands' Regional Marine Plan will not have a discriminatory or differential impact on people with the protected characteristics as defined by the 2010 Equality Act</p>   | <p>2011 census<br/> <a href="http://www.scotlandscensus.gov.uk/ods-web/area.html">http://www.scotlandscensus.gov.uk/ods-web/area.html</a></p> | <p>The public consultation due to be held in Autumn/Winter 2018 will be used to gather views on any potential impacts that the SIRMP may have on this characteristic</p> |
| <b>Disability</b> | <p>Based on the 2011 census 7% of the population are recorded as being limited by a long-term health problem or disability while 82.7% of the population are not limited by long term health or disability issues.</p> <p>Discussions with Disability Shetland, Community Planning-SIC, Youth Services- SIC have indicated that the Shetland Islands' Regional Marine Plan will not have a discriminatory or differential impact on people with the protected characteristics as defined by the 2010 Equality Act</p> | <p>2011 census<br/> <a href="http://www.scotlandscensus.gov.uk/ods-web/area.html">http://www.scotlandscensus.gov.uk/ods-web/area.html</a></p> | <p>The public consultation due to be held in Autumn/Winter 2018 will be used to gather views on any potential impacts that the SIRMP may have on this characteristic</p> |
| <b>Gender</b>     | <p>Based on the 2011 census 50.8% of the Shetland population are male and 49.2 % are female.</p> <p>Discussions with Disability Shetland, Community Planning-SIC, Youth Services- SIC have indicated that</p>   | <p>2011 census<br/> <a href="http://www.scotlandscensus.gov.uk/ods-web/area.html">http://www.scotlandscensus.gov.uk/ods-web/area.html</a></p> | <p>The public consultation due to be held in Autumn/Winter 2018 will be used to gather views on any potential</p>  |

|                                |  |  |   |
|--------------------------------|--|--|---|
|                                | the Shetland Islands' Regional Marine Plan will not have a discriminatory or differential impact on people with the protected characteristics as defined by the 2010 Equality Act  |  | impacts that the SIRMP may have on this characteristic  |
| <b>Pregnancy and maternity</b> | <p>There is a lack of significant data, however there were 218 births in Shetland in 2017, down from the previous five year average of 258 (National Records of Scotland)</p> <p>Discussions with Disability Shetland, Community Planning-SIC, Youth Services- SIC have indicated that the Shetland Islands' Regional Marine Plan will not have a discriminatory or differential impact on people with the protected characteristics as defined by the 2010 Equality Act</p> | <p>National Records of Scotland<br/> <a href="https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/vital-events/births/births-time-series-data">https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/vital-events/births/births-time-series-data</a></p> | The public consultation due to be held in Autumn/Winter 2018 will be used to gather views on views any potential impacts that the SIRMP may have on this characteristic |
| <b>Gender reassignment</b>     | <p>There is a lack of significant data.</p> <p>Discussions with Disability Shetland, Community Planning-SIC, Youth Services- SIC have indicated that the Shetland Islands' Regional Marine Plan will not have a discriminatory or differential impact on people with the protected characteristics as defined by the 2010 Equality Act</p>   |  | The public consultation due to be held in Autumn/Winter 2018 will be used to gather views on any potential impacts that the SIRMP may have on this characteristic       |
| <b>Sexual orientation</b>      | <p>There is a lack of significant data.</p> <p>Discussions with Disability Shetland, Community Planning-SIC, Youth Services- SIC have indicated that the Shetland Islands' Regional Marine Plan will not have a discriminatory or differential impact on people with the protected characteristics as defined by the 2010 Equality Act</p>   |  | The public consultation due to be held in Autumn/Winter 2018 will be used to gather views on any potential impacts that the SIRMP may have on this characteristic       |

|                           |   |   |  |
|---------------------------|---|---|--|
| <b>Race/ethnicity</b>     | <p>Based on the 2011 census the proportion of Shetland residents in a minority ethnic group is 1.5 as compared to the Scottish average of 4%.</p> <p>Discussions with Disability Shetland, Community Planning-SIC, Youth Services- SIC have indicated that the Shetland Islands' Regional Marine Plan will not have a discriminatory or differential impact on people with the protected characteristics as defined by the 2010 Equality Act</p>  | <p>2011 census<br/> <a href="http://www.scotlandscensus.gov.uk/ods-web/area.html">http://www.scotlandscensus.gov.uk/ods-web/area.html</a></p> | <p>The public consultation due to be held in Autumn/Winter 2018 will be used to gather views on any potential impacts that the SIRMP may have on this characteristic</p> |
| <b>Religion or belief</b> | <p>Based on the 2011 census the percentage of people that were Church of Scotland, Roman Catholic or in the "other "Christian category totalled 44.6%. 0.4 % were Muslim, 1.1% other religions and 45.4% stated they had no religion</p> <p>Discussions with Disability Shetland, Community Planning-SIC, Youth Services- SIC have indicated that the Shetland Islands' Regional Marine Plan will not have a discriminatory or differential impact on people with the protected characteristics as defined by the 2010 Equality Act</p> | <p>2011 census<br/> <a href="http://www.scotlandscensus.gov.uk/ods-web/area.html">http://www.scotlandscensus.gov.uk/ods-web/area.html</a></p> | <p>The public consultation due to be held in Autumn/Winter 2018 will be used to gather views on any potential impacts that the SIRMP may have on this characteristic</p> |

### Stage 3: Assessing the impacts and identifying opportunities to promote Equality

This section will be further assessed following the current public consultation.

**Do you think that the policy impacts on people because of their age?**

| Age  | Positive | Negative | None     | Reasons for decision  |
|--|----------|----------|----------|---|
| <b>Eliminating unlawful discrimination, harassment and victimisation</b> |          |          | <b>X</b> | The policies contained within the Shetland Island's Regional Marine Plan are intended to safeguard and where possible, improve Shetland's marine and coastal environment with the purpose of meeting the long-term needs of nature and the local people. It is anticipated that these policies will be positive for Shetland's community however the policies are general policy statements and will have no differential or discriminatory impact on those with protected characteristics. |
| <b>Advancing equality of opportunity</b>                                 |          |          | <b>X</b> |   |
| <b>Promoting good relations among and between different age groups</b>   |          |          | <b>X</b> |   |

**Do you think that the policy impacts on disabled people?**

| Disability   | Positive | Negative | None     | Reasons for decision   |
|--|----------|----------|----------|--|
| <b>Eliminating unlawful discrimination, harassment and victimisation</b>           |          |          | <b>X</b> | The policies contained within the Shetland Island's Regional Marine Plan are intended to safeguard and where possible, improve Shetland's marine and coastal environment with the purpose of meeting the long-term needs of nature and the local people. It is anticipated that these policies will be positive for Shetland's community however the policies are general policy statements and will have no differential or discriminatory impact on those with protected characteristics |
| <b>Advancing equality of opportunity</b>   |          |          | <b>X</b> |  |
| <b>Promoting good relations among and between disabled and non-disabled people</b> |          |          | <b>X</b> |  |

Do you think that the policy impacts on people because of their gender?

| Gender  | Positive | Negative | None | Reasons for decision   |
|---|----------|----------|------|--|
| Eliminating unlawful discrimination, harassment and victimisation |          |          | X    | The policies contained within the Shetland Island's Regional Marine Plan are intended to safeguard and where possible, improve Shetland's marine and coastal environment with the purpose of meeting the long-term needs of nature and the local people. It is anticipated that these policies will be positive for Shetland's community however the policies are general policy statements and will have no differential or discriminatory impact on those with protected characteristics |
| Advancing equality of opportunity                                 |          |          | X    |  |
| Promoting good relations among and between men and women          |          |          | X    |  |

Do you think that the policy impacts on people because of pregnancy and maternity?

| Pregnancy and maternity   | Positive | Negative | None | Reasons for decision   |
|---|----------|----------|------|--|
| Eliminating unlawful discrimination, harassment and victimisation |          |          | X    | The policies contained within the Shetland Island's Regional Marine Plan are intended to safeguard and where possible, improve Shetland's marine and coastal environment with the purpose of meeting the long-term needs of nature and the local people. It is anticipated that these policies will be positive for Shetland's community however the policies are general policy statements and will have no differential or discriminatory impact on those with protected characteristics |
| Advancing equality of opportunity                                 |          |          | X    |  |
| Promoting good relations  |          |          | X    |  |



Do you think that the policy impacts on transsexual people?

| Gender reassignment   | Positive | Negative | None | Reasons for decision   |
|---|----------|----------|------|--|
| Eliminating unlawful discrimination, harassment and victimisation |          |          | X    | The policies contained within the Shetland Island's Regional Marine Plan are intended to safeguard and where possible, improve Shetland's marine and coastal environment with the purpose of meeting the long-term needs of nature and the local people. It is anticipated that these policies will be positive for Shetland's community however the policies are general policy statements and will have no differential or discriminatory impact on those with protected characteristics |
| Advancing equality of opportunity                                 |          |          | X    |  |
| Promoting good relations  |          |          | X    |  |

Do you think that the policy impacts on people because of their sexual orientation?

| Sexual orientation  | Positive | Negative | None | Reasons for decision   |
|---|----------|----------|------|--|
| Eliminating unlawful discrimination, harassment and victimisation |          |          | X    | The policies contained within the Shetland Island's Regional Marine Plan are intended to safeguard and where possible, improve Shetland's marine and coastal environment with the purpose of meeting the long-term needs of nature and the local people. It is anticipated that these policies will be positive for Shetland's community however the policies are general policy statements and will have no differential or discriminatory impact on those with protected characteristics |
| Advancing equality of opportunity                                 |          |          | X    |  |
| Promoting good relations  |          |          | X    |  |

Do you think that the policy impacts on people because of their race or ethnicity?

| Race/ethnicity  | Positive | Negative | None | Reasons for decision   |
|---|----------|----------|------|--|
| Eliminating unlawful discrimination, harassment and victimisation |          |          | X    | The policies contained within the Shetland Island's Regional Marine Plan are intended to safeguard and where possible, improve Shetland's marine and coastal environment with the purpose of meeting the long-term needs of nature and the local people. It is anticipated that these policies will be positive for Shetland's community however the policies are general policy statements and will have no differential or discriminatory impact on those with protected characteristics |
| Advancing equality of opportunity                                 |          |          | X    |  |
| Promoting good relations  |          |          | X    |  |

Do you think that the policy impacts on people because of their religion or belief?

| Religion or belief  | Positive | Negative | None | Reasons for decision   |
|---|----------|----------|------|--|
| Eliminating unlawful discrimination, harassment and victimisation |          |          | X    | The policies contained within the Shetland Island's Regional Marine Plan are intended to safeguard and where possible, improve Shetland's marine and coastal environment with the purpose of meeting the long-term needs of nature and the local people. It is anticipated that these policies will be positive for Shetland's community however the policies are general policy statements and will have no differential or discriminatory impact on those with protected characteristics |
| Advancing equality of opportunity                                 |          |          | X    |  |
| Promoting good relations  |          |          | X    |  |

## **Stage 4: Decision making**

### **Identifying and establishing any required mitigating action**

|  |            |
|--|------------|
| <b>Have positive or negative impacts been identified for any of the equality groups?</b>               | <b>No</b>  |
| <b>Is the policy directly or indirectly discriminatory under the Equality Act 2010?</b>                | <b>No</b>  |
| <b>If the policy is indirectly discriminatory, how is it justified under the relevant legislation?</b> | <b>N/A</b> |
| <b>If not justified, what mitigating action will be undertaken?</b>                                    | <b>N/A</b> |

## Appendix 1

### Membership of the Local Advisory Group

| Type                   | Organisation  |
|------------------------|---|
|                        |   |
| <b>Chair</b>           | <b>Simon Pallant (SIC)</b>                                  |
| <b>Vice chair</b>      | <b>Rachel Shucksmith (Shetland UHI)</b>                     |
| Environment            | Scottish Environment Protection Agency (SEPA)               |
|                        | Nature Scot   |
|                        | Shetland Amenity Trust (SAT)                                |
|                        | Royal Society for the Protection of Birds (RSPB)            |
| Commercial             | Shetland Fishermen's Association (SFA)                      |
|                        | Shetland Shellfish Management Organisation (SSMO)           |
|                        | Seafood Shetland  |
|                        | Scottish Salmon Producers Organisation (SSPO)               |
|                        | Shetland Islands Council Port and harbours                  |
|                        | BP  |
| Community              | Shetland Islands Council Development Planning               |
|                        | Community Council Chair                                     |
|                        | Community Planning  |
| Recreation             | Visit Scotland  |
| <b>Interest groups</b> |   |
| Environment            | Shetland River Basin Management Planning Advisory Group     |
| Environment            | Shetland oil terminal environmental advisory group (SOTEAG) |
| Environment            | Shetland Islands Council Heritage Officer                   |
| Commercial             | Lerwick Port Authority (LPA)                                |
| Community              | Fair Isle DRMPA representative                              |